

## **PRESS RELEASE**

### **Pakistan: OMCT and HRCP call upon the government to implement the UN Convention against Torture**

**Geneva, 24 November 2014. At the conclusion of a mission to Pakistan, the World Organisation against Torture (OMCT) and its partner the Human Rights Commission of Pakistan (HRCP) call for the implementation of the UN Convention against Torture and the follow-up to its announcement to submit its overdue initial report to the UN Committee against Torture.**

Over the first two weeks of November, the OMCT and the HRCP held two consultations on the implementation of the UN Convention against Torture (CAT) in Karachi and Islamabad. The two consultations brought together experts and stakeholders from almost all parts of the country. At the consultation in Islamabad, Law and Justice Secretary Barrister Zafarullah Khan reported that the Ministry of Law, Justice and Human Rights had finalized Pakistan's initial report and was committed to submitting it to the Committee against Torture in the next months after the conclusion of the inter-agency consultation process.

The OMCT and HRCP further appreciate that Awami National Party leader and Senate Standing Committee on Human Rights Chairperson Senator Afrasiab Khattak, Senator Taj Haider from the Pakistan Peoples Party, and Muttahida Quami Movement leader Khawaja Izhar Ul Hassan participated in the consultations and promised to propose a draft bill and resolution in parliament urging the national and provincial governments to implement the CAT.

Representatives from civil society, trade unions, journalists, lawyers, government officials, members of provincial and national parliaments, and academics, who participated in the consultations, discussed the challenges the state was facing and formulated several recommendations in order to improve the implementation of the CAT.

#### Legal Reforms

Although Pakistan has laws in place that allow for the prevention of torture and protection of victims, its legislation and practice lacks several important features and safeguards. First, the Pakistan Penal Code does not criminalize torture and therefore does not provide accountability for torture and ill-treatment. Second, despite supposed safeguards against the use of torture to extract confessions in the constitution, the Criminal Procedure Code and in the evidence law (Qanun-e-Shahadat Order 1984), coercion and torture are widely used during investigation, with a view to obtain information or a confession. Third, the right of reparation is not implemented in the existing legal framework. This means that the possibility of compensation as an entitlement is lacking and rehabilitation structures are non-existent.

Participants therefore recommended an urgent amendment of the Pakistan Penal Code to introduce a provision on torture that fully complies with the CAT. They also recommended implementation of the right to rehabilitation resulting from Article 14 of the CAT.

#### Police Reforms

Torture and ill-treatment in police detention and during police interaction with the citizens in general, including protesters, are frequent and systemic. Yet, almost no actions are brought to court. In most cases, victims fear reprisals as often the police unit accused of torture is also tasked with conducting inquiries into torture allegations. Participants were also concerned about the fatalities that result from custodial torture and other police encounters.

Poverty and inequality have been identified as a root cause for torture by the police and for the lack of judicial and political responses. Victims of torture and ill-treatment are usually ordinary criminal suspects from the very low-income sector who cannot afford a lawyer and whose family do not have the standing and connection to be taken seriously by the police, prosecutor or judges. They usually also lack knowledge about their human rights.

Police officers are also not well trained to be exposed to poverty and situations that come with it. They themselves are negatively affected by poverty and inequality. Also their basic human rights are impeded as they are chronically overworked, poorly remunerated and under-equipped. Participants therefore proposed to invest in the training of police officers and equip them with modern forensic means.

### Law and Order and Countering Terrorism

A combination of criminal and terrorist activity, turf wars of criminal gangs with political patronage pose a serious threat in several regions of Pakistan. Especially in FATA and in parts of Balochistan, attacks, forced disappearance, and targeted killings affect a huge number of families. Participants therefore recommended an independent commission to probe accusations of torture, killings, and disappearances.

In order to react to these threats Pakistan enacted the Pakistan Protection Act earlier this year. Participants expressed their concern over the provision that allows for administrative detention for up to 90 days. Participants are also worried about the application of the anti-terrorism law towards political and human rights activists who protest against this law. It has thus been recommended that the Pakistan Protection Act be applied in compliance with Pakistan's obligations under the CAT and the UN Covenant on Civil and Political Rights.

### Background of the mission

The consultations were undertaken within the framework of a three-year OMCT project called "Towards Implementation and Accountability". It aims at the implementation of the UN Convention against Torture and is financially supported by the European Commission and the National Endowment for Democracy.

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